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THE CHARTER OF LIBERTIES FROM WILLIAM PENN TO THE FREEMEN OF THE PROVINCE OF PENNSYLVANIA

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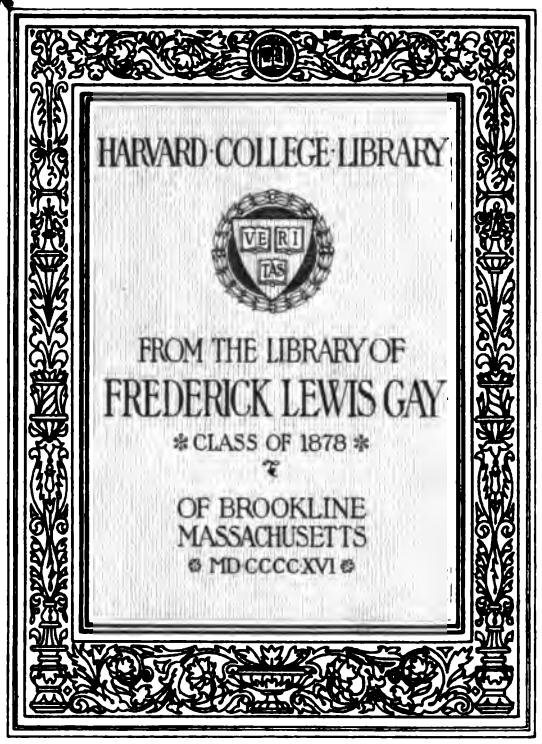

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PREFACE

So much of the history of the Penn Charter as is known is best set out in a letter written by Mr. S. V. Henkels, the well known Autograph Expert, of this city. His statement is as follows :—

Sometime in the fall of 1892 or 3 whilst looking over an old English Country Newspaper, I noticed a paragraph describing a rare old Penn Charter to Pennsylvania owned by an old Quaker gentleman (whose name I do not remember) and stating that the owner intended originally to send the Charter to America for sale, but the Civil War being then in progress he had changed his mind, and would hold it for the future. The paper was dated about June 1861.

The thought occurred to me to look the matter up, and knowing that the late Dr. Edward Maris had acquaintances among the Society of Friends in England, I consulted him as to the desirability of writing to some of his friends, and get them to try and trace the owner, and see if he still had the Charter for Sale. Dr. Maris accordingly corresponded with the well known Antiquarian Mr. Henry T. Wake of Fritchley, Derby, England, who found the Charter in possession of Henry H. Almack of Milford, Suffolk, with whom he opened negotiation and purchased it for Dr. Maris.

Mr. Almack stated that his father had received it from an old Antiquary, a Mr. William Dalton of Bury St. Edmund's, who had often described to him the labor he

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had in transcribing the original "Paston Letters" for Sir John Fenn, and he always supposed that the Penn Charter was given to him (Dalton) by Sir John Fenn, who was the greatest collector of Historical Manuscripts in England. Mr. Almack also stated that the late Mr. Winthrop of Boston was introduced to Mr. Dalton by his father and was much interested in his accounts of the Penn Charter.

This is all the information which could be collected about the Celebrated Document, from those who were the possessers of it before Dr. Maris purchased it.

After Dr. Maris got the Charter in his possession he determined to put it up at public auction and accordingly placed it in my hands for that purpose. I accordingly made researches in reference to it, and found that the State of Pennsylvania did not have the copy which was sent by Penn to the Assembly, the late Dr. Egle, then Librarian, had never heard of it and did not know what had become of it. I also discovered in reading it over that it was the original "Charter of Liberties for Pennsylvania" granting to the Province the right to choose a Governor and a Provincial Council or Legislature under the same form as is carried out to-day, with this information I inserted it as lot 958 A in the Historical Collection owned by J. Henry Rogers of New Castle, Delaware, and gave it quite a lengthy description. The Sale was advertised for May 8th, 9th and 10th, 1895, but before that date arrived, the attention of Gen. Hastings, the Governor of Pennsylvania, was drawn to the Document and the suggestion made that he should have Dr. Maris withdraw the Document from the Sale, and he, the Governor, have a bill introduced in the Legislature, then sitting, to purchase it. Dr. Maris was approached, and wishing that the State might own it, consented to withdraw it from the Sale, provided the Governor would give his word to use his influence with the Legislature to

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appropriate $15,000.00 for its purchase; this the Governor promised to do and did, accordingly, have State Senator Penrose introduce a Bill in the Senate for that purpose. Mr. Penrose introduced the Bill in the Senate and it was passed May 15, 1895, it then went to the Appropriation Committee and passed the following day and lastly went to the lower house, which passed it almost unanimously early in July, 1895, it then needed only the Governor's signature to complete the purchase, but just at that period the Republican party were having a factional fight, and the fact that Senator Penrose sided against the Governor, and because Senator Penrose fathered the Bill (at the request of the Governor) he, the Governor, vetoed the Bill under the plea of "Insufficient funds," and this too after having personally persuaded Dr. Maris to withdraw it from a sale where it would evidently have brought fully as much, if not more, than the price set upon it. The whole proceeding so disgusted the Doctor, that he did not attempt further to sell it.

The State owns the Charter, Charles II to Penn, conveying the Proprietorship to him, but this is the Proprietor's conveyance to the people, and in many ways is the most important of the two. It bears the signature and seal of Wm. Penn and is witnessed by Christopher Taylor —Charles Lloyd—Wm. Gibson—Richard Davies—N. Moore—Thos. Rudyard—Harbt Springett—James Claypool—Francis Plumsted—Thos. Barker—Philip Ford—Edward Prichard—and Andrew Sowle, and is dated the "Five and Twentieth day of the Second Month vulgarly called April, 1682." Its genuineness cannot be doubted, and it is in excellent state of preservation.

STAN. V. HENKELS

Manager Book Department

DAVIS & HARVEY

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The offer to purchase the Charter by Act of Legislature and the veto by Governor Hastings are all set out at length in the Legislative Record for the Session of 1895. The Bill to appropriate Fifteen thousand Dollars to buy the Charter was introduced by Senator Penrose, May 16th, 1895, and passed finally May 22nd of the same year. It was as follows:—

No. 86.

AN ACT

To provide an appropriation for the purchase of William Penn's Charter of Liberties to the Province of Pennsylvania.

Section 1. Be it enacted &c., That the sum of Fifteen thousand Dollars be and the same is hereby appropriated to purchase the document known as William Penn's Charter of Liberties to the Province of Pennsylvania, which document is the property of Edward Maris, doctor of medicine, residing at number one thousand one hundred and six Pine Street, in the City of Philadelphia.

The said appropriation to be paid on the warrant of the Auditor General on a settlement made by him and the State Treasurer, upon a properly certified statement from the Governor that he has received the said document in behalf of the Commonwealth.

WALTER LYON
President of the Senate.

HENRY F. WALTON
Speaker of the House of Representatives.

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Governor Hasting on July 6th, 1895, returned the Bill with his veto as follows:—

COMMONWEALTH OF PENNSYLVANIA,
EXECUTIVE DEPARTMENT.

HARRISBURG, PA., July 6, 1895.

I herewith file with my objections, in the office of the Secretary of the Commonwealth, Senate Bill No. 662, entitled "An act to provide an appropriation for the purchase of William Penn's Charter of Liberties to the Province of Pennsylvania." This bill appropriates the sum of fifteen thousand dollars to purchase the document known as "William Penn's Charter of Liberties to the Province of Pennsylvania." In the present condition of the finances of our State, when our charitable institutions, existing wholly or in part by State aid, are in urgent need of all moneys that can be spared, I deem it improper to give my approval to the measure under consideration.

DANIEL H. HASTINGS.

Dr. Edward Maris, the owner of the Charter, died in 1902, and his Executor, Mr. Alfred E. Maris, sold it to Mr. George C. Thomas on April 11th, 1902, and it still remains in his possession.

It is in a remarkable state of preservation, and though it has existed for two hundred and eight years, the letters are marvelously clear and distinct, and only on one place on the parchment, where there is a crease, is there experienced the slightest difficulty of reading the words by which William Penn founded the Keystone State of the Union.

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The document is engrossed on two sheets of parchment nearly square in shape, it is neatly folded, and the outside portion only, which has been exposed to a greater or lesser extent, shows the effect of handling, and is somewhat discolored. It bears the date, "twenty fifth April one thousand six hundred and eighty two" upon the exposed portion.

A. H. R.

PHILADELPHIA,
November, 1908.

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To all People To whom these presents shall come **Whereas** King Charles the Second by his Letters Patents under the Great Seal of England for the considerations therein mentioned hath been graciously pleased to Give and Grant unto me William Penn (by the name of William Penn, Esq., Son and heir of Sir William Penn deceased) and to my heirs and assigns forever **all** that Tract of Land or Province called **Pennsylvania** in America with divers Great Powers Preheminencies Royalties Jurisdictions and Authorities necessary for the well-being and Government thereof. **Now Know Ye** That for the well-being and Government of the said Province and for the Encouragement of all the ffreemen and planters that may be therein concerned in the pursuance of the powers aforementioned, I the said William Penn have declared, granted and confirmed and by these presents for me my heirs and assigns do declare grant and confirm unto

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all the ffreemen planters and adventurers of in and to the said Province those Liberties FFranchises and Properties to be held enjoyed and kept by the ffreemen Planters and Inhabitants of and in the said Province of Pennsylvania forever. Imprimis That the Government of this Province shall according to the Powers of the Patent consist of the Governor and FFreemen of the said Province in the form of a Provincial Council and General Assembly by whom all Laws shall be made Officers chosen and Public Affairs transacted as is hereafter Respectively declared. That is to say. 2. That the FFreemen of the said Province shall on the Twentieth day of the Twelfth Month which shall be in this present year One thousand six hundred and eighty two meet and assemble in some fit place of which timely notice shall be before hand given by the Governor or his Deputy and then and there shall choose out of themselves Seventy two persons of most note for their Wisdom Virtue and Ability who shall meet on the Tenth day of the first month next ensuing and always be called and act as the Provincial Councill of the said Prov-

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ince. 3. That at the first choice of such Provincial Council one Third part of the said Provincial Council shall be chosen to serve for Three years then next ensuing One Third part for Two years then next ensuing and One Third part for One year then next following such Election and no longer and that the said third part shall go out accordingly. And on the Twentieth day of the Twelfth Month as aforesaid yearly forever afterward the ffreemen of the said Province shall in like manner meet and Assemble together and then choose Twenty four persons being one third of the said number to serve in Provincial Council for Three years it being intended that One Third of the whole Provincial Council (always consisting and to consist of Seventy two persons as aforesaid) falling off yearly it shall be yearly supplied by such new yearly Elections as aforesaid and that no one person shall continue longer therein then three years. And in case any member shall decease before the last election during his time that then at the next election ensuing his decease another shall be chosen to supply his place for the re-

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maining time he was to have served and no longer. 4. That after the ffirst Seven years every one of the said Third parts that goeth yearly off shall be incapable of being chosen again for one whole year following that so all may be fitted for Government and have Experience of the care and burthen of it. 5. That in the Provincial Council in all cases and matters of moment as Their agreeing upon Bills to be passed into Laws, Erecting Courts of Justice Giving Judgment upon Criminals Impeached and choice of Officers in such manner as is hereinafter mentioned not less than Two Thirds of the whole Provincial Council shall make the Quorum and that the consent and approbation of Two Thirds of such Quorum shall be had in all such cases or matters of moment. And moreover that in all cases and matters of lessor moment Twenty ffour members of the said Provincial Council shall make a Quorum the majority of which FFour and Twenty shall and may always determine on such Cases and Causes of Lessor moment. 6. That in this Provincial Council the Governor or his Deputy shall or may always preside and have a treble voice

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and the said Provincial Council shall always continue and sit upon its own Adjournments and Committees. 7. That the Governor and Provincial Council shall prepare and propose to the General Assembly hereinafter mentioned all Bills which they shall at any time think fit to be passed into Laws within the said Province which Bills shall be published and Affixed to the most noted places in the Inhabited parts thereof Thirty days before the meeting of the General Assembly in order to the passing of them into Laws or Rejecting of them as the General Assembly shall see meet. 8. That the Governor and Provincial Council shall take care that all Laws, Statutes and Ordinances which shall at any time be made within the said Province be duly and diligently Exeecuted. 9. That the Governor and Provincial Council shall at all times have the Care of the peace and safety of the Province and that nothing be by any person attempted to the Subversion of this fframe of Government. 10. That the Governor and Provincial Council shall at, all times settle and order the situation of all Cities, ports and Market towns in every County

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modelling therein all public buildings Streets and Market places and shall appoint all necessary roads and highways in the Province. 11. That the Governor and Provincial Council shall at all times have power to inspect the management of the public Treasury and punish those who shall convert any part thereof to any other use than what hath been Agreed upon by the Governor, Provincial Council and General Assembly. 12. That the Governor and Provincial Council shall erect and order all public schools and incourage and reward the Authors of useful sciences and Laudable Inventions in the said Province. 13. That for the better management of the powers and trusts aforesaid the Provincial Council shall from time to time divide itself into ffour distinct and proper Committees for the more Easie Administration of the affairs of the Province which divides the Seventy two into four eighteens every one of which eighteens shall consist of six out of each of the three orders or yearly elections each of which shall have a distinct portion of Business as followeth: A Committee of Plantations to situate and settle Cities, Ports

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and market towns and highways and to hear and decide all Suits and Controversies relating to plantations; a Committee of Justice and Safety to secure the peace of the Province and punish the mal-administration of those who subvert justice to the prejudice of the public and private Interest; a Committee of Trade and Treasury who shall Regulate all Trade and Commerce according to Law, encourage Manufacture and country growth and defray the public charge of the Province; and a Committee of manners and Education and arts that all wicked and scandalous Living may be prevented and that Youth may be successively trained up in virtue and useful Knowledge and arts. The Quorum of each of which Committees being six, that is two out of each of the three orders or yearly Elections as aforesaid make a constant or standing council of Four and Twenty which will have the power of the Provincial Council being the Quorum of it in all cases not excepted in the ffifth article. And in the said Committees and Standing Council of the Province the Governor or his Deputy shall or may preside as aforesaid and in the

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Absence of the Governor or his Deputy if no one is by either of them appointed the said Committees or Council shall appoint a President for that time and not otherwise and what shall be Resolved at such Committees shall be reported to the said Council of the Province and shall be by them resolved and confirmed before the same shall be put in Execution. And that those respective Committees shall not sit at one and the same time except in cases of necessity. 14. And to the end that all Laws prepared by the Governor and Provincial Council aforesaid may yet have the more full concurrence of the ffreemen of the Province it is declared granted and confirmed that at the time and place or places for the choice of a Provincial Council as aforesaid the said ffreemen shall yearly choose members to serve in a General Assembly as their Representatives not exceeding Two hundred persons who shall yearly meet on the Twentieth day of the Second month in the Capital town or City of the said Province where during Eight days the several members may freely confer with one another and if any of them see

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meet with a Committee of the Provincial Council consisting of Three out of each of the Four Committees aforesaid being Twelve in all which shall be at that time purposely appointed to receive from any of them proposals for the alteration or amendment of any of the said proposed and promulgated bills and the ninth day from their so meeting the said General Assembly after the reading over of the proposed Bills by the Clerk of the Provincial Council and the occasions and motives for them being opened by the Governor or his Deputy shall give their affirmative or negative which to them seemeth best in such manner as hereafter is expressed But not less than Two thirds shall make a Quorum in the passing of Laws and choice of such Officers as are by them to be chosen. 15. That the Laws so prepared and proposed as aforesaid that are Assented to by the General Assembly shall be enrolled as laws of the Province with this stile By the Governor with the Assent and Approbation of the FFreemen in Provincial Council and General Assembly. 16. That for the better Establishment of the Government and Laws

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of this Province and to the end there may be an Universal satisfaction in the laying of the ffundamentals thereof the General Assembly shall or may for the first year consist of all the ffreemen of and in the said Province and ever after it shall be yearly chosen as aforesaid which number of Two hundred shall be enlarged as the Country shall increase in people so as it do not exceed ffive hundred at any time. The Appointment and proportioning of which as also the laying and methodizing of the choice of the Provincial Council and General Assembly in future times most equally to the division of the hundreds and Counties which the Country shall hereafter be divided into shall be in the power of the Provincial Council to propose and the General Assembly to resolve. 17. That the Governor and the Provincial Council shall from time to time erect Standing Courts of Justice in such places and number as they shall judge Convenient for the good Government of the said Province And that the Provincial Council shall on the Thirteenth day of the first month yearly Elect and present to the

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Governor or his Deputy a double number of persons to serve for Judges, Treasurers, Masters of the Rolls within the said Province for the year next ensuing. And the ffreemen of the said Province in their County Courts when they shall be erected and till then in the General Assembly shall on the Three and Twentieth day of the Second Month yearly elect and present to the Governor or his Deputy a double number of persons to serve for Sheriffs, Justices of Peace and Coroners for the year next ensuing out of which respective elections and presentments the Governor or his Deputy shall nominate and commissionate the proper number for each office the third day after the said respective presentments or else the first named in such presentment for each office shall stand and serve for that office the year ensuing. 18. But for as much as the present condition of the Province requires some Immediate settlement and admits not of so quick a Revolution of Office, and to the end the said Province may with all Convenient speed be well ordered and settled, I, William Penn, do therefore

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think fit to nominate and appoint such persons for Judges, Treasurers, Masters of Rolls, Sheriffs, Justices of the Peace and Coroners as are most fitly qualified for those Imployments. To whom I shall make and grant Commissions for the said Offices respectively to hold to them to whom the same shall be granted for so long time as every such person shall well behave himself in the Office or place to him respectively granted and no longer. And upon the decease or dis-placing of any of said officers the succeeding officer or officers shall be chosen as before said. 19. That the General Assembly shall continue so long as may be needful to impeach Criminals fit to be there impeached. To pass Bills into Laws that they shall think fit to pass into Laws and till such time as the Governor and Provincial Council declare that they have nothing further to propose unto them for their Assent and Approbation and that declaration shall be a dismiss to the General Assembly for that time. Which General Assembly shall be notwithstanding Capable of Assembling together upon the summons of the Provincial Council at any

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time during that year if the said Provincial Council shall see occasion for their so assembling. 20. That all the Elections of members or Representatives of the people to serve in Provincial Council and General Assembly and all Questions to be determined by both or either of them that relate to passing of Bills into Laws To the choice of officers To impeachments made by the General Assembly and Judgment of criminals upon such Impeachments by the Provincial Council and to all other cases by them respectively Judged of Importance shall be resolved and determined by the Ballott. And unless on suddain and indispensible Occasions no business in Provincial Council or its respective Committees shall be finally determined the same day that it is moved. 21. And that at all times when and so often as it shall happen that the Governor shall or may be an Infant under the age of one and Twenty years and no Guardian or Commissioners are appointed in writing by the ffather of the said Infant or that such Guardians or Commissioners shall be deceased, that during such Minority the Provincial Council shall

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from time to time as they shall see Meet Constitute and Appoint Guardians and Commissioners not exceeding three, one of which Three shall preside as Deputy and Chief Guardian during such Minority and shall have an execute with the Consent of the other Two all the power of a Governor in all publick Affairs and Concerns of said Province. 22. That as often as any day of the month mentioned in any Article of this Charter shall fall upon the ffirst day of the Week commonly called the Lord's Day, the Business appointed for that day shall be differred till the next day unless in Case of Emergency. 23. That no Act, Law or Ordinance whatsoever shall at any time hereafter be made or done by the Governor of this Province, his heirs or assigns, or by the ffreemen in the Provincial Council or the General Assembly to alter, change or diminish the fform or Effect of this Charter or any part or Clause thereof or contrary to the true Intent and meaning thereof without the consent of the Governor his heirs or assigns and six parts of the seven of the said ffreemen in Provincial Council and General Assembly.

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24. And lastly, that I, the said William Penn, for myself, my heirs and assigns, have Solemnly declared, granted and confirmed and do hereby solemnly declare, grant and confirm that neither I my heirs nor assigns shall procure or do anything or things whereby the Liberties in this Charter contained and expressed shall be Infringed or broken And if anything be procured by any person or persons contrary to these premises shall be held of no fforce or Effect. In witness whereof, I the said William Penn have under this present Charter of Liberties set my hand and Broad Seal this Ffive and twentieth day of the second month vulgarly called Aprill in the year of our Lord One Thousand Six hundred and Eighty Two.

WILLIAM PENN

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(Endorsed on the back of Charter)

Signed, Sealed and Delivered by the within named William Penn as his act and deed in the presence of

Christopher Taylor
Charles Lloyd
William Gibson
Richard Davies
N. More
Thos. Rudyard
Harbt. Springett
James Claypoole
Francis Plumsted
Thomas Barker
Philip Ford
Edward Prichard
Andrew Sowle

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